

John D. Pamplin  
 Name  
NNCC PDB 7000  
Carson City, NV 89702  
74405  
 Prison Number

UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA

John D. Pamplin,  
 Plaintiff,  
 vs. John Doe, Medical  
Director over all N.V. Prisons.  
Warden Baker  
C/o Kimal at Ely  
John Keast, head of Medical at NNCC  
John Doe, head of Medical at Lovelock  
John Doe, head of Medical at Ely  
 Defendant(s).

CASE NO. \_\_\_\_\_  
 (To be supplied by the Clerk)

CIVIL RIGHTS COMPLAINT  
 PURSUANT TO  
 42 U.S.C. § 1983

A. JURISDICTION

- 1) This complaint alleges that the civil rights of Plaintiff, John Pamplin,  
 (Print Plaintiff's name)  
 who presently resides at Northern NV Correctional Center, were  
 violated by the actions of the below named individuals which were directed against  
 Plaintiff at Ely, Lovelock and NNCC on the following dates  
 (Institution/city where violation occurred)

\_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_  
 (Count I) (Count II) (Count III)

Attach: Application for Formo Papers, Appointment of Counsel, Summons, Financial Certificate + Penalty of Perjury

Make a copy of this page to provide the below information if you are naming more than five (5) defendants

2) Defendant Baker R. resides at \_\_\_\_\_, (full name of first defendant) (address if first defendant)  
and is employed as Warden at Ely. This defendant is sued in his/her (defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was acting  
under color of law: Respondent Superior! Failure to train her employees and Failed to fix the Situation after learning of the wrongs + Ignoring a Constitutional wrongdoing!

3) Defendant C/o Kimal resides at \_\_\_\_\_, (full name of first defendant) (address if first defendant)  
and is employed as Guard at Ely. This defendant is sued in his/her (defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was acting  
under color of law: Caused Physical Pain and Suffering Also Emotional Stress and Pain! Consciously with malicious evil intentions seized my drop foot brace which was clearly given to support daily walking  
Causing cruel and Unusual punishment + my Due Process rights violated

4) Defendant John Heast resides at \_\_\_\_\_, (full name of first defendant) (address if first defendant)  
and is employed as Head of Medical at NNCC. This defendant is sued in his/her (defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was acting  
under color of law: Respondent Superior Failure to fix and ignored Constitutional wrongdoings of his employees. Failure to treat my medical needs

5) Defendant John Doe resides at \_\_\_\_\_, (full name of first defendant) (address if first defendant)  
and is employed as Head of Medical at Ely. This defendant is sued in his/her (defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was acting  
under color of law: Respondent Superior Ignored Constitutional wrongdoings of employees And Failure to treat my medical need + Equal Protection Violation Violated my due process rights

Make a copy of this page to provide the below information if you are naming more than five (5) defendants

2) Defendant John Doe resides at \_\_\_\_\_,  
 (full name of first defendant) (address if first defendant)  
 and is employed as Director over all Medical. This defendant is sued in his/her  
 (defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
 acting Respondent Superior

under color of law: Failure to fix the issue after learning of the wrongs  
Fail to train there employees just ignored Constitutional wrongdoings

3) Defendant John Doe resides at \_\_\_\_\_,  
 (full name of first defendant) (address if first defendant)  
 and is employed as Head of Medical at Lovelock. This defendant is sued in his/her  
 (defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
 acting Respondent Superior

under color of law: Ignored Constitutional wrongdoings of his Staff, + Failed  
to train employees and Failure to treat my medical needs

4) Defendant \_\_\_\_\_ resides at \_\_\_\_\_,  
 (full name of first defendant) (address if first defendant)  
 and is employed as \_\_\_\_\_. This defendant is sued in his/her  
 (defendant's position and title, if any)  
 \_\_\_\_ individual \_\_\_\_ official capacity. (Check one or both). Explain how this defendant was  
 acting

under color of law: \_\_\_\_\_

5) Defendant \_\_\_\_\_ resides at \_\_\_\_\_,  
 (full name of first defendant) (address if first defendant)  
 and is employed as \_\_\_\_\_. This defendant is sued in his/her  
 (defendant's position and title, if any)  
 \_\_\_\_ individual \_\_\_\_ official capacity. (Check one or both). Explain how this defendant was  
 acting

under color of law: \_\_\_\_\_

6) Defendant \_\_\_\_\_ resides at \_\_\_\_\_,  
 (full name of first defendant) (address if first defendant)  
 and is employed as \_\_\_\_\_. This defendant is sued in his/her  
 (defendant's position and title, if any)  
 \_\_\_\_\_ individual \_\_\_\_\_ official capacity. (Check one or both). Explain how this defendant was  
 acting  
 under color of law: \_\_\_\_\_

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 (a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional statutes, list them below.

*Injunctive relief authorized 28 USC Section 2283 + 2284 and Rule 65 of the federal Rules of Civil procedure, and Section 1983 28 USC, 1341 + 1343*

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#### B. NATURE OF THE CASE

1) Briefly state the background of your case.

*2003, I was diagnosed here at NVCC's medical with dropfoot and provided with a dropfoot brace to support my walking disability. Doc also gave restrictions that a art'd prison official had to follow. It was flat yard only, lower bunk and lower tier. From 03' to 2014 I'd had No issues. I was transferred to Ely in 2011 No problems there untill August 2nd 2014 %o Kimal a unit guard takes my brace in a cell search I tell %o Kimal its a medical devise to help me walk %o Kimal said you dont need it. Suffer! And write a grievance. I wrote the warden + Wrote a grievance Never heard anything from the grievance Nor the warden Nor Medical Continuous Kiting medical, and the warden with NO*  
*Continue on the next page ....*

#### C. CAUSE OF ACTION

1 response from either one. which, I never receive my  
2 drop foot brace back. %Kimal was the unit guard and He  
3 had personal knowledge of my need of the medical device  
4 After continual Kiting without a sponse months have pass and  
5 I'm experiencing great pain in my right hip due to Not having  
6 the support of the drop foot brace I talk with a few <sup>Pill Call</sup> nurses and  
7 assured an appointment which NO appointment was ever  
8 scheduled. NO Response From medical Nor Warden Baker!  
9 Nov 2nd 2015 I Kite medical because I'm experiencing lower back  
10 pains Still "NO Response From medical." I write an emergency  
11 grievance "Nothing From the grievance" and Nothing From medical.  
12 It's now difficult to sleep with my lower back and right hip  
13 really given me great pain. I have my family call the director  
14 of prison I was only made to suffer more. April 9, 2016  
15 Day of transport to Lovelock I ask a Sgt about my brace He  
16 said he never seen it nor was "in my property. April 10, 2016  
17 I immediately went to Pill Call at Lovelock, I was told at the pill  
18 call window to drop my Kite in the box outside of medical and  
19 I'd be scheduled an appointment "NO" word from medical! June 28  
20 I Kite medical again with "NO" response! Now, It's really painful  
21 to sleep and even walk. Continue to Kite medical at Lovelock and  
22 Nothing! August 12th day of transfer to NNCC I immediately  
23 write a Kite to medical knowing well be seen her; Only to receive  
24 the same treatme/NO Treatment at all. After numerous Kite still  
25 Nothing! August 30th I Kite John Keast. NO Response! Sept 19, I  
26 Kite "CN III Brackway No Response Still NO drop foot brace and still  
27 in great pain. Nov 10, Kite John Keast again Nothing Nov 14 2016 I Kite  
28 Keast And writ informal grievance As of Dec 19th Nothing From medical  
There's No justification for NOT treating a serious medical injury  
Nor was there any justification For %Kimal actions  
to seize my brace These unconstitutional acts has caused further  
unwanton complications and Still No brace Nor any treatment.

## COUNT I

The following civil rights has been violated:

8th 14th 5th Amendment Violations  
A.D.A. Prohibits discrimination against a disabled! Violated Due process, Violated  
my Equal protection rights, Cruel And Unusual punishment Violation  
Deliberate indifference violation

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

August 2nd 2014 % Kimal deliberately with malicious recklessness took/SEIZED my drop foot brace without any reason it wasn't a security issue I was a single cell. When I ask % Kimal for a unauthorized property from He said I didn't need one. % Kimal was the unit guard I'd been in the unit for over 6 months % Kimal had knowledge of my medical needs and the need of the brace for daily support And Kimal disregarded my medical need for the brace. This was an unnecessary intentional evil act done to deliberately cause pain and stress I told % Kimal about my hip pain He said you are faking there No medical problem with your legs. Now % Kimal's evil act has caused unwanted pain and unwanted future surgeries My lower back Never pained before % Kimal intentionally seized my brace Now I'm disabled and <sup>may</sup> need a cane or even a wheelchair to get around in the future And medical wouldn't treat or see me for my pains % Kimal had No reason to seize my medical prescribed drop foot device Why. By % Kimal's actions I'm left being a lifelong handicap My permanent injuries could've avoided only if % Kimal evil acts had Not happen % Kimal is to blame for my pain a injuries and hours of stress a headaches. % Kimal had No right to treat me any different than any other inmate. This drop foot device wasn't provide because of my good looks It was provided to support my disability And these officers/supervisors disregarded Clearly marked medical issued devices and There knowledge of the constitutional wrongs Makes it worse There evil intentions have caused much pain. It was very obvious the brace was provided by Medical. Even A child would recognize my disability by the limp in my walk without the support of this drop foot brace.

## COUNT II

The following civil rights has been violated: 1<sup>st</sup> 5<sup>th</sup> 8<sup>th</sup> + 14<sup>th</sup> Amendment violation, Equal Protection violation, Due Process violation + deliberate indifference violation

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

John Keast, Warden Baker, John Doe head medical over prisons, John Doe head of medical at Lovelock, John Doe head of medical at Ely each had knowledge of my medical needs and the need of the drop foot brace to support my disability. They all ~~failed~~ intentionally failed to treat or ever give me an appointment to treat my injuries. They failed to train there employees to recognizing a serious medical need. They all ignored and failed to fix a wrong once they all became aware of the wrong. These supervisor failed to supervise because I wrote numerous kites to each of these supervisor and I never got a response they intentionally with great disregards to a serious medical injury and the need of a medical device. Each clearly has shown and demonstrated deliberate indifference to my lower back pain and right hip pains % Kimal as an employee to these supervisors. Had he been trained OR Had these heads really done there jobs we wouldn't be here today! They all had fair warning and failed to fix this wrong. They all know there action were unconstitutional. Recklessly with malicious intentions fail to treat my serious medical needs that were well documented injuries which they're discrimination actions has caused added injuries and unnecessary infliction of pain and emotional stress and suffering. Official had No right to allow % Kimal to treat me any different then another inmate. It's clear % Kimal's knowledge and the knowledge of these supervisors then outright refusal of any treatment is very Unconstitutional. Chronically diagnosed with drop foot disability. then, Refuse to provide treatment when other injuries arise because of % Kimal intentional evil actions of Seizing the medical issued device. It's all unconstitutional

## COUNT III

The following civil rights has been violated:

8th Amendment Violation  
Deliberate Indifference. Equal Protection Violation  
Cruel and unusual punishment Violation

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Finally receive a Kite back I'd wrote Nov 23rd 2016  
 I receive Dec 21st 2016 Stating I'd be scheduled  
 to see a nurse to be evaluated. First response in years  
 Which Now my lower back and right hip pain is very  
 serious and is very internal I need X-rays, or MRIs  
 to determine to amount of these injuries It's very painful  
 to walk and It's hard to sleep, It's emotional stressed  
 to hurt all the time without proper medical help  
 I need a specialist to treat both my back and hips and  
 a therapist for more treatment A nurse aint helping  
 this issue But don't refusing. Just I want and  
 need better health care for this unwanted injury.  
 What about my need of a drop foot brace to support  
 my disability This nurse can not provide or fit me with  
 this dropfoot devise that's so needed I'd like to  
 be treated like any other inmate in the system  
 Only trying to replace evil with good by seeking the  
 medical treatment to heal this unwanted pain Hopefully the  
 Courts will help in this process.....

## D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

- 1) Have you filed other actions in state or federal courts involving the same or similar facts as involved in this action? \_\_\_\_ Yes X No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below

outline).

- a) Defendants: \_\_\_\_\_
- b) Name of court and docket number: \_\_\_\_\_
- c) Disposition (for example, was the case dismissed , appealed or is it still pending?):  
\_\_\_\_\_
- d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

- 2) Have you filed an action in federal court that was **dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?**  
\_\_\_\_ Yes \_\_\_\_ No. If your answer is "Yes", describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_
- c) The case was dismissed because it was found to be (check one): \_\_\_\_ frivolous  
\_\_\_\_ malicious or \_\_\_\_ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_

- c) The case was dismissed because it was found to be (check one): \_\_\_\_\_ frivolous  
 \_\_\_\_\_ malicious or \_\_\_\_\_ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
 \_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_
- c) The case was dismissed because it was found to be (check one): \_\_\_\_\_ frivolous  
 \_\_\_\_\_ malicious or \_\_\_\_\_ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
 \_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

- 3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? ☒ Yes \_\_\_ No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) \_\_\_ disciplinary hearing; (2) \_\_\_ state or federal court decision; (3) \_\_\_ state or federal law or regulation; (4) \_\_\_ parole board decision; or (5) \_\_\_ other \_\_\_\_\_.

If your answer is "Yes", provide the following information. Grievance Number \_\_\_\_\_.

Date and institution where grievance was filed <sup>Second one</sup> Filed informal 12.16.16 at NNCC.

Response to grievance: No response from First informal filed 11.14.16  
Filed the second one Dated 12.16.16 with proper information  
made very plain and Clear! with administration Claims Form

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**E. REQUEST FOR RELIEF**

I believe that I am entitled to the following relief:

*Wherefore, Lamplin respectfully prays this court enter judgment Granting Lamplins declaration The acts described violated his rights under the Constitution And A Preliminary and permant injunction ordering defendants Keast And John Doe medical director to treat Lamplins lower back and right hip with necessary medical treatment And Provide drop foot brace. And Granting Lamplin compensatory damages in the amount of two Million against each defendant jointly and severally And Punitive damages in the amount of Four Million against each defendant jointly and severally Lamplin seeks jury trial and recovery of their Cost in this suit Plus, any relief the court deems just and proper and Equitable.*

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

\_\_\_\_\_  
(Name of Person who prepared or helped  
prepare this complaint if not Plaintiff)

*John D. Lamplin*  
(Signature of Plaintiff)

*January 7th 2017*  
(Date)

*Continue E. Request For Relief From page 9*

(Additional space if needed; identify what is being continued)

*In the Preliminary and Permant injunction ordering Under Federal Rules of Civil Procedure Rule 35 I want outside doctors to treat my lower back and right hip also, A outside doctor to fit me with a drop foot brace! And treatment of my drop foot disabilities. Also, A outside Doctor for future treatment of both my lower back and the drop foot issues. All injury relating to the lack of support of the brace. Plus, Any needed monitoring done by outside Doctors. My only objective here is to seek justice in a unjust prison system. And, To restore my health back to somewhat Mobility I had before I was so miss treated by the prison staff.*